

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

EMBRY JAY LOFTIS,

Petitioner,

v.

**OKLAHOMA DEPARTMENT
OF CORRECTIONS,**

Respondent.

No. CIV 07-377-RAW-KEW

FILED

AUG - 4 2008

William B. Guthrie
Clerk, U.S. District Court

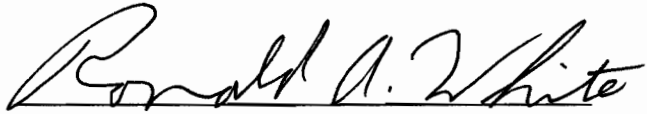
By _____ Deputy Clerk

ORDER AND OPINION
DENYING CERTIFICATE OF APPEALABILITY

Petitioner has filed a notice of intent to appeal the court's order entered June 10, 2008, denying his petition for a writ of habeas corpus for failure to exhaust administrative remedies. After a careful review of the record, the court concludes petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). *See also* 28 U.S.C. § 2253(c).

Accordingly, petitioner is denied a certificate of appealability.

IT IS SO ORDERED this 4th day of August 2008.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE